

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

June 21, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, June 21, 2004, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414-070703 adopted by the Council on Monday, July 7, 2003.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Mayor Ralph K. Smith.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable Ralph K. Smith, Mayor of the City of Roanoke, from July 1, 2000 through June 30, 2004.

(#36713-062104) A RESOLUTION paying tribute to the Honorable Ralph K. Smith, Mayor of the City of Roanoke, and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of resolution, see Resolution Book No. 68, Page 501.)

Mr. Harris moved the adoption of Resolution No. 36713-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler and Dowe-----6.

NAYS: None-----0.

(Mayor Smith abstained from voting.)

Mayor Smith advised that it has been the greatest honor of his life to serve in the capacity of Mayor and he will always owe a debt of gratitude to the citizens of Roanoke for electing him to the post of Mayor. He offered his service to the citizens of Roanoke in the future in any way that he might be of service.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Mr. Harris offered the following resolution paying tribute to the Honorable William D. Bestpitch for his service as a member of the Roanoke City Council from July 1, 2004 through June 30, 2004:

(#36714-062104) A RESOLUTION paying tribute to the Honorable William D. Bestpitch and expressing to him the appreciation of this City and its people for his exemplary public service.

(For full text of resolution, see Resolution Book No. 68, Page 503.)

Mr. Harris moved the adoption of Resolution No. 36714-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch abstained from voting.)

Council Member Bestpitch advised that he will miss many things about serving on Roanoke City Council, but the thing he will miss the most is the opportunity to see the many citizens of this City who are willing to volunteer their time on a regular basis. He stated that it has been amazing over the past four years to see the amount of time, energy and diligence that so many citizens who volunteer on boards and commissions have devoted to their City; it has been a privilege to see first hand what volunteers do for the City, usually with very little recognition and often during times when persons, who are not actively involved in the process, express criticism or complaints. He added that if one half of the citizens of the City of Roanoke did half as much as the volunteers who serve on boards and committees, it would not be necessary for City Council to meet twice monthly.

ACTS OF ACKNOWLEDGEMENT-CITY COUNCIL: Mr. Dowe offered the following resolution paying tribute to the Honorable Linda F. Wyatt for her service as a member of Roanoke City Council from July 1, 2000 through June 30, 2004:

(#36715-062104) A RESOLUTION paying tribute to the Honorable Linda F. Wyatt and expressing to her the appreciation of this City and its people for her exemplary public service.

(For full text of resolution, see Resolution Book No. 68, Page 505.)

Mr. Dowe moved the adoption of Resolution No. 36715-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Bestpitch, Cutler, Dowe and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt abstained from voting.)

Council Member Wyatt advised that the second biggest honor of her life was serving for ten years on Roanoke City Council; and the first honor was bestowed upon her by the parents of the City of Roanoke when they allowed her to teach their children for more than three decades in the Roanoke City Public School System. She expressed appreciation to the citizens of Roanoke for placing their trust and confidence in her as a Member of Council and during that time she did what she believed was in the best interest of the citizens of Roanoke, even though there are those who might agree and those who do not. She advised that as she looks back on the past ten years in regard to where the City was and where it has come, she is grateful to have had a small part in helping the City to grow and much of the City's progress is due to the efforts of citizens of the Roanoke Valley and specifically the City of Roanoke. She stated that Roanoke is a great place with wonderful people who have the City's best interests at heart and as long as Roanoke has people who care about their City and actively want to engage in what is best for their City, the City of Roanoke will grow and become the best it can be. She expressed appreciation to the citizens of Roanoke for the honor of serving as a member of the Roanoke City Council for the past ten years.

ACTS OF ACKNOWLEDGEMENT-SCHOOLS: Mr. Harris offered the following resolution paying tribute to Dr. E. Wayne Harris, Superintendent of Roanoke City Public Schools from July 1, 1993 through December 31, 2004:

# 1166

(#36716-062104) A RESOLUTION paying tribute to Dr. E. Wayne Harris, Superintendent of Schools for the Roanoke City Public Schools, and expressing to him the appreciation of this City and its people for his public service to our community and its children.

(For full text of resolution, see Resolution Book No. 68, Page 507.)

Mr. Harris moved the adoption of Resolution No. 36716-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Dr. Harris advised that it has been an honor and a pleasure for him to serve as Superintendent of Roanoke City Public Schools for the past 11 years, and almost one third of his career has been spent in the City of Roanoke. He stated that the Roanoke City School System is an outstanding school district, and submitted that Roanoke City's academic achievements over the past six to eight years stands in the top ten per cent of any city school district, large, medium or small, in the country, and he is proud of that accomplishment because it means that teachers, principals and support staff have focused on the core mission of the business of the schools. He saluted teachers, administrators and all of the support staff who work behind the scenes who rarely receive credit for the work they do; and he trusts that Council understands the deep commitment and competence of the people who take care of the children who attend Roanoke's schools because it is on their watch that Roanoke City Schools has been able to move forward. He expressed gratitude for having been a part of the progress of Roanoke City Schools for the past 11 years.

ACTS OF ACKNOWLEDGEMENT-TREES: Daniel J. Henry, City of Roanoke Urban Forester, presented Council Member William D. Bestpitch and

Council Member M. Rupert Cutler with a commemorative tree program sign and memento in recognition of their support of the City's urban forest. He advised that at the urging of Council Member Bestpitch, the City Manager appointed a citizen based, urban forestry task force to address the problem of the declining tree canopy in the City; Mr. Bestpitch served as liaison to the task force and Mr. Cutler volunteered to serve as a citizen member of the task force prior to his election to City Council. He stated that the task force developed an Urban Forestry Plan which is designed to restore Roanoke's tree canopy and Council adopted the plan as an element of Roanoke's Comprehensive Plan; an initiative of the Urban Forestry Plan was the development of a commemorative tree program which allows individuals and organizations to donate trees to the City of Roanoke in honor of or in memory of a loved one, or to commemorate a person, event or idea; Mr. Bestpitch and his wife, Sherri, donated the program's first tree to the memory of Mr. Bestpitch's two grandfathers: E. W. Bestpitch and James Hart, and in October 2003, an oak tree was planted in Highland Park in their memory; and a second tree was donated by Gary and Barbara Duerk in honor of Council Member Cutler and was planted in Fishburn Park at the annual greenway picnic. He presented Council Members Bestpitch and Cutler with a shadow box documenting the tree donations with information on the trees and their location and advised that signs will be placed in the ground at the base of each tree.

Mr. Henry was requested to provide an update on tree planting in the City of Roanoke; whereupon, he advised that approximately 500 trees were funded for planting on City property this year, however, as a result of good purchasing practices, 700 trees were actually planted on City property through the fall and spring programs; an effort is made to plant trees in areas where they are needed the most, including parking lots, downtown areas, and residential areas; and eight commemorative trees were planted this year.

#### CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if

# 1168

discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to two requests for Closed Session.

MINUTES: Minutes of the regular meeting of Council held on Monday, February 5, 2001; the regular meeting of Council held on Monday, April 19, 2004, recessed until Thursday, April 22, 2004, and recessed until Friday, April 30, 2004; and the special meeting of Council held on Thursday, April 29, 2004, were before the body.

Mr. Fitzpatrick moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL: A communication from Council Member Alfred T. Dowe, Jr., Chair, City Council Personnel Committee, requesting that Council convene in a Closed Meeting to discuss performance evaluations of Council-Appointed Officers, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of Council Member Dowe to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE NEIGHBORHOOD PARTNERSHIP: A communication from John Renick, Secretary, advising of the resignation of Joe Schupp as a member of the Roanoke Neighborhood Advocates, was before Council.

Mr. Fitzpatrick moved that Council accept the resignation and receive and file the communication. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

COMMUNITY PLANNING: The following item was sponsored by Mayor Smith and Council Member Bestpitch.

Dr. Mindy Thompson Fullilove, author of Root Shock: How Tearing Up City Neighborhoods Hurts America and What We Can Do About It, in which significant portions of the book are devoted to the history of urban renewal in Roanoke, as well as in Pittsburgh, Pennsylvania, Newark, New Jersey, and other cities, addressed Council with regard to the consequences of urban renewal which was conducted in the 1950's and 1960's.

She advised that one might think of urban renewal as having happened in the past although research conducted by her team suggests that, in fact, the effects of urban renewal are ongoing at the present time and have the potential to be with us for the foreseeable future; Mary Bishop's two articles in *The Roanoke Times*, "Street by Street, Block by Block" and "Invisible Inner City" provide a detailed picture of the destruction caused by urban renewal; in "Street by Street", Ms. Bishop revealed the massive losses incurred by African Americans residing in the urban renewal area, including the loss of financial capital, social organization and unity; and in "Invisible Inner City", she documented the deterioration of inner City communities that flanked the urban renewal era.

Dr. Fullilove further advised that the geographic proximity of urban renewal neighborhoods and deteriorating inner City neighborhoods is not an accident; urban renewal typically displaced people to circumjacent neighborhoods; to the extent that these neighborhoods were as old, or nearly as old as the urban renewal areas, they differed little from the urban renewal neighborhoods in the likelihood that they would be thought of as "blighted" and "unsuitable" for investment; though redlining is considered outmoded, the tendency to invest in new buildings and to steer money away from old buildings, especially when they are reoccupied by black people, has occurred throughout America; thus, the circumjacent neighborhoods themselves were marked for minimal investment or disinvestment and soon collapsed from over use and under repair.

She stated that her research team considers that this is a contagious process in which destruction and/or disinvestment force people from one neighborhood to the next; distinction/disinvestment follows the people which is a chain reaction of movement, followed by collapse, followed by movement that is set in motion and has no end in sight. She further stated that Roanoke is engaged in such a chain reaction; and on Tuesday, June 22, 2004, Richard Florida will be in Roanoke arguing that cities can prosper by offering an exciting place for creative people to live; however, in her view, the chain reaction of movement/destruction works directly against such a project of creating a diverse, open, exciting lifestyle in an urban setting.

Dr. Fullilove added that the chain reaction of movement/collapse can be stopped by a new program of equitable distribution of resources, but it will not stop of its own accord; what must be done is a program of investment in inner city areas; and such investment should be made under the leadership of current residents, otherwise, the situation may swing from disinvestment to gentrification, which is just as powerful a force for displacement of the poor.

She advised that investment takes time to show results; thus, it is important to have a concurrent program of place-making; place-making projects create parks, trails, gathering spaces, nature sanctuaries, and other inventions to reanimate places that have been left sterile by destruction or mindless development; and such interventions must be led by local people so as to solidify the sense of democracy and inclusion in the City.

Dr. Fullilove stated that all cities like Roanoke need to have a deeper understanding of the importance that inter-neighborhood collaboration can have for the common good, and suggested the following processes:

Citizens of Roanoke should read *Root Shock* together.

Citizen participation in the organization of a series of block parties, initially gathering people on their own blocks, and after that, a new kind of block party in which people extend hospitality to their neighbors from the other side of town.

In closing, Dr. Fullilove advised that Roanoke resembles the mass of American cities in not being consistently fine, but Roanoke has a most unusual charm and, it is believed with consistent application of resources in a democratic manner, Roanoke could be one of the finest cities in the nation.

On behalf of the Council the Mayor expressed appreciation to Dr. Fullilove for her presentation.

## REPORTS OF OFFICERS:

### CITY MANAGER:

### ITEMS RECOMMENDED FOR ACTION:

**BUDGET-HOTEL ROANOKE CONFERENCE CENTER:** The City Manager submitted a communication advising that The Hotel Roanoke Conference Center Commission was created by the Virginia General Assembly in 1991 to construct, equip, maintain and operate the Conference Center of Roanoke adjacent to The Hotel Roanoke; the City of Roanoke and Virginia Tech are participating entities in the Commission; in 1992, Council authorized establishment of an Agency Fund entitled, "Hotel Roanoke Conference Center Commission"; the Commission's enabling legislation allows participating parties equally to contribute funds to the Commission to fund operating deficits of the Commission and to enable the Commission to expend such revenues for proper purposes; the budget must be approved by each of the participating entities; Council included funding in the fiscal year 2004-2005 General Fund adopted budget to be used for such purposes; and The Hotel Roanoke Conference Center Commission recommends a fiscal year 2004-2005 operating budget totaling \$3,897,000.00 for consideration by Council.

The City Manager recommended that Council approve The Hotel Roanoke Conference Center Commission budget for fiscal year 2004-2005, appropriate

\$200,000.00 to Conference Center Commission Fund accounts, and establish revenue estimates of \$100,000.00, each, for City and Virginia Tech contributions.

Mr. Bestpitch offered the following budget ordinance:

(#36717-062104) AN ORDINANCE adopting the Annual Operating Budget Hotel Roanoke Conference Center Commission for the fiscal year 2004-2005 and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 509.)

Mr. Bestpitch moved the adoption of Ordinance No. 36717-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#36718-062104) A RESOLUTION approving the annual operating budget of the Hotel Roanoke Conference Center Commission for Fiscal Year 2004-2005.

(For full text of resolution, see Resolution Book No. 68, Page 510.)

Mr. Bestpitch moved the adoption of Resolution No. 36718-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-GRANTS:** The City Manager submitted a communication advising that CDBG, HOME and ESG funds provide for a variety of activities ranging from housing and community development to homelessness prevention and economic development through the U. S. Department of Housing and Urban Development (HUD); the City has received these entitlement grant funds for over 20 years and must reapply annually to HUD to receive such funding; on May 13, 2004, pursuant to Resolution No. 36695-051304, Council authorized filing the three separate funding applications as part of approving the submission of the Annual Update to the Consolidated Plan to HUD.

It was further advised that the funding release process is underway, and HUD's letter of approval is forthcoming granting the City access to its 2004-2005 CDBG, HOME and ESG entitlements; the Annual Update approved by Council included \$3,764,299.00 in new entitlement funds, anticipated program income and funds unexpended from prior year accounts; actions recommended include appropriation of an additional \$62,526.00 received during the current fiscal year; the additional funds will be appropriated into unprogrammed accounts for use in future activities and will be incorporated into the Consolidated Plan at a later date through a revision or amendment; acceptance of the funds and appropriation or transfer to certain accounts are needed to permit 2004-2005 activities to proceed; and acceptance of the 2004-2005 HOME entitlement requires \$92,578.00 in local match, which requirement will be satisfied by excess matching funds banked in previous years from such sources as volunteer labor and income from a closed out Urban Development Action Grant used to support HOME program activities.

The City Manager recommended that Council:

Adopt a resolution accepting the 2004-2005 CDBG, HOME and ESG entitlement funds as detailed below, contingent upon receipt of the approval letter from HUD;

CDBG 2004-05 Entitlement	\$2,207,000.00
HOME 2004-05 Entitlement	808,299.00

ESG 2004-05 Entitlement	<u>80,731.00</u>
TOTAL	\$3,096,030.00

Authorize the City Manager to execute the required Grant Agreements, Funding Approval, and other forms required by HUD in order to accept the funds to be approved as to form by the City Attorney.

Appropriate \$3,096,030.00 entitlement and \$515,051.00 in anticipated program income to revenue and expenditure accounts in the Grant Fund to be established by the Director of Finance.

Increase the revenue estimate in the following CDBG revenue account:

108 Repay 035-G04-0400-2434 \$11,166.00

Appropriate funds listed above to the following CDBG expenditure account:

Unprog CDBG-Section 108 035-G04-0440-5188 by \$11,166.00

Increase the revenue estimates in the following HOME revenue accounts:

HOME Program Income		
FISCAL YEAR 2003	035-090-5325-5325	\$41,830.00
Home Program Income		
FISCAL YEAR 2004	035-090-5326-5326	\$18,142.00

Appropriate funds listed above to the following HOME expenditure accounts:

NNEO 5th Street Gateway Project 035-090-5325-5309 by \$8,612.00

# 1176

Unprogrammed PI FY2003 035-090-5325-5458 by \$33,218.00

Unprogrammed PI FY2004 035-090-5326-5459 by \$18,142.00

Transfer \$144,606.00 in CDBG and HOME accounts from prior years to projects included in the 2004-2005 CDBG and HOME programs.

Mr. Cutler offered the following budget ordinance:

(#36719-062104) AN ORDINANCE to appropriate funds for the Community Development Block Grant, HOME Investment Partnerships Program and Emergency Shelter Grant Program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 511.)

Mr. Cutler moved the adoption of Ordinance No. 36719-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

Mr. Dowe offered the following resolution:

(#36720-062104) A RESOLUTION accepting the Fiscal Year 2004-2005 funds for the Community Development Block Grant (CDBG) program, the HOME Investment Partnerships program (HOME) and the Emergency Shelter Grant

(ESG) program and authorizing the City Manager to execute the requisite Grant Agreements with the United States Department of Housing and Urban Development (HUD).

(For full text of ordinance, see Ordinance Book No. 68, Page 516.)

Mr. Dowe moved the adoption of Ordinance No. 36720-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Bestpitch abstained from voting inasmuch as his spouse is employed by the YMCA which is one of the organizations recommended for funding.)

BUDGET-SIGNS/BILLBOARDS/AWNINGS: The City Manager submitted a communication advising that a vehicular accident resulted in the damage and eventual removal of an overhead sign structure on Orange Avenue between Williamson Road and I-581; earlier this year the responsible insurance carrier issued a check to the City of Roanoke in the amount of \$46,882.00 to repair and re-install the sign structure; the funds were received in Miscellaneous Third Party Revenue, Account No. 008-008-1234; and the City is preparing to let a contract for the sign to be re-installed and funds will be needed to cover the work.

The City Manager recommended that Council establish a revenue estimate for \$46,882.00 received in Miscellaneous Third Party Revenue, Account No. 008-008-1234, and appropriate the same amount to a new account to be titled Transportation Infrastructure Improvement fiscal year 04-09, Account No. 008-052-9606.

Mr. Dowe offered the following budget ordinance:

# 1178

(#36721-062104) AN ORDINANCE to appropriate insurance proceeds received from a damaged sign to the Roadway Safety Improvement Program, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 517.)

Mr. Dowe moved the adoption of Ordinance No. 36721-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

POLICE DEPARTMENT-BUDGET: The City Manager submitted a communication advising that in October 2003, members of Council were briefed on a joint effort between the City and Roanoke County to develop and construct a regional driving range facility to be shared by each locality; since that time, the City and the County have been working to develop a regional driver training facility located on 30 acres of the same tract of land as the regional firing range; once completed, the site will have a two-bay garage area, driving tower, classroom, covered bleachers, 1,800 feet of guardrails, cement skid pad, and 3,700 feet of paved roadway; and development costs are projected at approximately \$547,000.00 and will be shared equally, with the City's share projected at approximately \$273,500.00.

It was further advised that the driver training facility will be under the joint direction and supervision of a driver training facility-governing committee consisting of two representatives appointed by the Chiefs of Police from the City and the County; an agreement between the City of Roanoke and Roanoke County provides for contributions of assets or funds of equal value for construction of and improvements to the Police Driver Training Facility; once

the facility is completed, the City and Roanoke County will contribute funds in equal parts toward operating expenses of the facility; expenditures for the normal annual operation, maintenance and upkeep of the facility are estimated at approximately \$40,000.00; the City's share of operating costs will be provided through the Roanoke Police Department's fiscal year 2004-05 operating budget; and for repair of specific instances of damages exceeding \$499.99, which are attributable to an identified incident, the department of the employee responsible for such damages shall be responsible for all repair costs.

The City Manager stated that the initial term of the agreement provides that each entity should voluntarily aid and assist each other in the driver training of police personnel and combine potential resources to be used to construct the facility for the use and good of both parties; however, neither party is currently bound by a long-term commitment to the police driver training facility; funding for the City's share of developmental costs has been identified from Federal Asset Forfeiture funds; and \$63,392.00 in ATF funds is available in Account No. 035-640-3335-3346; with the remaining balance of \$210,108.00 to be funded from Federal Asset Forfeiture revenues anticipated in the Grant Fund budget.

The City Manager recommended that she be authorized to execute an agreement with Roanoke County, to be approved as to form by the City Attorney; that Council authorize transfer \$63,392.00 from ATF Account No. 035-640-3335-3346, to an account to be established in the Capital Projects Fund by the Director of Finance; and increase the revenue estimate for Federal Forfeiture Funds by \$210,108.00, and appropriate the same to an account to be established by the Director of Finance.

Mr. Cutler offered the following budget ordinance:

(#36722-062104) AN ORDINANCE appropriating funds for the Regional Driver Draining Facility, amending and reordaining certain sections of the 2003-2004 Capital Projects and Grant Funds Appropriations; and dispensing with the second reading by title of this ordinance.

---

# 1180

(For full text of ordinance, see Ordinance Book No. 68, Page 518.)

Mr. Cutler moved the adoption of Ordinance No. 36722-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36723-062104) A RESOLUTION authorizing an agreement with the County of Roanoke for a regional police driver training facility on property owned by the County upon certain terms.

(For full text of resolution, see Resolution Book No. 68, Page 519.)

Mr. Cutler moved the adoption of Resolution No. 36723-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Human Services Committee budget, in the amount of \$550,962.00, was established by Council with adoption of the General Fund budget for fiscal year 2004-05 on May 13, 2004; requests from 37 agencies, totaling \$856,926.00, were received; committee members studied each application prior to an allocation meeting which was held on April 1, 2004; and agencies were notified of tentative allocations and advised that they could appeal the recommendations.

It was further advised that appeals of Committee recommendations, as provided by policy, were received after notification to each agency of its tentative recommended allocation; appeals were filed and heard on April 27, 2004, from the following agencies: Brain Injury Services of Southwest Virginia, Conflict Resolution Center, and Blue Ridge Independent Living Center; after hearing the appeals, Brain Injury Services was increased by \$2,500.00 to \$7,500.00; the Conflict Resolution Center was increased by \$2,500.00 to \$5,500.00; and Blue Ridge Independent Living Center was allocated \$8,803.00; performance audits will be conducted by the Council of Community Services to evaluate effectiveness and efficiency of all funded programs; the City Manager will execute any required contracts; and an attachment to the communication indicates funding received from other jurisdictions.

The City Manager recommended that Council transfer \$550,962.00 from Human Services Committee, Account No. 001-630-5220-3700, to new line items to be established within the Human Services Committee budget by the Director of Finance.

Mr. Cutler offered the following budget ordinance:

(#36724-062104) AN ORDINANCE to appropriate funding to the Human Services Committee, amending and reordaining certain sections of the 2004-2005 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 520.)

Mr. Cutler moved the adoption of Ordinance No. 36724-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

(In the interest of full disclosure, Council Member Bestpitch advised that his spouse is employed by the YMCA, one of the organizations recommended for funding by the Human Services Committee; however, he is advised by the City Attorney that he is not required to abstain from voting inasmuch as no Federal funds are involved.)

**POLICE DEPARTMENT-BUDGET-GRANTS:** The City Manager submitted a communication advising that the Law Enforcement Terrorism Prevention Program Grant is funded by the U. S. Department of Homeland Security through the Virginia Department of Emergency Management, and is available to assist State and local law enforcement agencies in prevention or responding to potential acts of terrorism; and the Department of Criminal Justice Services (DCJS) is the administering agency for the grant.

It was further advised that the City of Roanoke has been awarded \$224,856.00 in Federal funds under the program; funds were allocated on a formula basis to provide law enforcement agencies with necessary funds for planning, training, exercises, organizational activities and equipment to support projects and objectives identified in the City's 2003 State Homeland Security Assessment and Strategy Online Assessment Tool previously submitted to the Virginia Department of Emergency Management and the Office of Homeland Security; no local matching funds are required; funding is provided solely for law enforcement needs; and while the program will be administered through the Police Department, special conditions and guidelines mandate that the City Sheriff's Office be provided with an opportunity to have input into the funding and spending plan.

The City Manager recommended that Council accept the grant and that she be authorized to execute the Statement of Grant Award/Acceptance; that Council adopt a revenue estimate of \$224,856.00 in an account to be established by the Director of Finance in the Grant Fund and appropriate the same amount to expenditure accounts as follows:

<u>Account</u>	<u>Object Code</u>	<u>Amount</u>
Expendable Equipment	2035	\$149,856.00
Furniture & Equipment	9005	75,000.00

Mr. Harris offered the following budget ordinance:

(#36725-062104) AN ORDINANCE appropriating funds for the Law Enforcement Terrorism Prevention Program, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 524.)

Mr. Harris moved the adoption of Ordinance No. 36725-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36726-062104) A RESOLUTION authorizing the acceptance of the Law Enforcement Terrorism Prevention Program Grant made to the City of Roanoke by the U. S. Department of Homeland Security through the Virginia Department of Emergency Management and authorizing the execution and filing by the City Manager of any documents required by the grant.

(For full text of resolution, see Resolution Book No. 68, Page 525.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36726-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-GRANTS-TREES: The City Manager submitted a communication advising that on May 28, 2004, the City was notified by the Virginia Department of Forestry that a \$13,500.00 grant will be awarded to the City upon completion of a Memorandum of Agreement; the grant will be used to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on a Forest Fragment Study of Roanoke; the grant is from the same program that funded the part-time Urban Forestry Planner to prepare the Urban Forestry Plan in fiscal year 2003 and to begin implementation of the plan in fiscal year 2004; the \$13,500.00 Urban and Community Forestry Grant is a Federal grant, sponsored by the National Forest Service and administered by the Virginia Department of Forestry; funds are awarded on a reimbursement basis after verification of the local match; the majority of the City's matching funds will consist of 700 hours of staff time (\$16,023.00) provided by the Urban Forester; and for the remainder of the match, the City will provide \$2,959.00 to pay the City's share of FICA and the City's pro-rata share of long-term disability, hospitalization and dental insurances for a part-time Urban Forestry Planner.

It was further advised that the purpose of the Forest Fragment Study to be funded by the grant is to examine and protect/manage Roanoke's forest fragments, including old growth, and the areas which need to be reforested in order to connect the fragments; the project will:

- Provide detailed information on forest fragments and areas that need to be reforested to connect fragments
- Develop strategies to achieve needed protection and reforestation of priority areas
- Provide opportunities for private landowners and others to understand the importance of green infrastructure and the need to protect it

- Involve many different segments of the community in this process (with special emphasis on reaching out to those not usually involved)

It was noted that the project will include cooperation with other departments, utilization of the City's GIS and other mapping capabilities, and technical assistance from nearby universities (including Dr. Margaret Bryant of Va. Tech).

The City Manager recommended that Council accept the Urban and Community Forestry Grant, in the amount of \$13,500.00, and that she be authorized to execute an agreement with the Virginia Department of Forestry and any other forms necessary to accept the grant, to be approved as to form by the City Attorney; that Council appropriate \$13,500.00 in Federal funding and establish a corresponding revenue estimate in an account to be established by the Director of Finance in the Grant Fund, and transfer \$2,959.00 from Parks and Recreation temporary employee wages, Account No. 001-620-4340-1004, to the Grant Fund account; and expenditures to be appropriated are:

<u>Account</u>	<u>Account No.</u>	<u>Amount</u>
Regular Employee Salary	035-620-4345-1002	\$13,500.00
FICA	035-620-4345-1120	\$ 1,148.00
Long-Term Disability	035-620-4345-1131	\$ 51.00
Hospitalization Insurance	035-620-4345-1125	\$ 1,650.00
Dental Insurance	035-620-4345-1126	\$ 110.00
TOTAL		\$16,459.00

Mr. Bestpitch offered the following budget ordinance:

(#36727-062104) AN ORDINANCE appropriating funds for the Urban and Community Forestry Grant, amending and reordaining certain sections of the 2004-2005 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

# 1186

(For full text of ordinance, see Ordinance Book No. 68, Page 526.)

Mr. Bestpitch moved the adoption of Ordinance No. 36727-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Bestpitch offered the following resolution:

(#36728-062104) A RESOLUTION accepting the Urban and Community Forestry Grant from the Virginia Department of Forestry, and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 68, Page 527.)

Mr. Bestpitch moved the adoption of Resolution No. 36728-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

LIBRARIES: The City Manager submitted a communication advising that the City of Roanoke, City of Salem, and County of Roanoke, currently share an automated library system under an agreement signed on January 26, 1990; the agreement gives the responsibility for operating, maintaining and administering the library system to the City of Roanoke; a consortium operates under the name Roanoke Valley Libraries (RVL); on May 8, 1995, (Amendment No. 1), the City of Roanoke, City of Salem, County of Roanoke, and County of Botetourt amended the Contract to provide for Botetourt County to participate in the System and to allow allocation of the System's cost; on August 28, 1998,

(Amendment No. 2), provided that the Automation Coordinator will be a library employee in the classified service of the County of Roanoke and the City of Roanoke shall provide space, at no cost to participating libraries, to house the Central Site Components of the System; costs for operating the central, shared automated system are currently apportioned according to the 1990 contract; member libraries paid a buy-in fee, plus a portion of any ongoing expenses, including new equipment, staff, telecommunication charges, etc.; and the currently-governing formula specifies the following factors and weights:

Annual circulation/50%; number of branches/30%; number of dumb terminals/10%; number of items in each system's collection/10%.

It was further advised that with nearly 15 years of operation and experience, the consortium proposes to remove the archaic measures and adjust weights to reflect factors that are known to actually or potentially affect system usage; the revised formula more accurately reflect factors that affect usage of the System; and the proposed new governing formula specifies the following factors and weights:

Annual circulation/30%; number of items/30%; population of each locality/20%; number of branches or outlets/10%; number of full-time equivalent staff/10%.

The City Manager explained that application of the changes will be applied for fiscal year 2005-06 and will not result in a substantial shift in costs to any locality; a small shift is estimated to increase the cost for the City of Roanoke by \$5,287.00 and all localities will experience a small increase.

It was noted that the total 2004 cost for the system is \$143,346.00; fiscal year 2005-2006 costs for the system are expected to total \$143,061.00 and are divided among the localities based on the new formula percentages:

# 1188

City of Roanoke	32%	\$ 45,587.00
City of Salem	11%	\$ 15,768.00
County of Roanoke	43%	\$ 61,638.00
County of Botetourt	14%	\$ 20,068.00
Total		\$143,061.00

Funding for the City of Roanoke's share is available in Library Automation, Account No. 013-430-1601-3100, as approved by the Information Technology Committee (ITC) and adopted by Council for fiscal year 2005-06; and an additional amendment provides that the Library Automation Committee shall only serve in an advisory capacity.

The City Manager recommended that she be authorized to execute an amended agreement with the City of Salem and the Counties of Roanoke and Botetourt, to be approved as to form by the City Attorney.

Mr. Dowe offered the following ordinance:

(#36729-062104) AN ORDINANCE authorizing the proper City officials to enter into an agreement amending a cooperative agreement with the County of Roanoke, the City of Salem, and the County of Botetourt that established an integrated automated library system, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68, Page 528.)

Mr. Dowe moved the adoption of Ordinance No. 36729-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-HUMAN DEVELOPMENT:** The City Manager submitted a communication advising that the Comprehensive Services Act (CSA) which was established in 1993 provides residential and non-residential treatment services to troubled and at-risk youth and to their families through a collaborative system of state and local agencies, parents, and private sector providers; such services include mandated foster care, certain special education services, and foster care prevention; and CSA also provides services to certain targeted non-mandated populations.

It was further advised that CSA expenditures are projected at \$9,500,000.00 for fiscal year 2004; expenditures exceed the CSA fiscal year 2004 appropriation of \$8,871,302.00 by \$628,698.00 and require additional local funds in the amount of \$193,136.00; additional funds are intended for mandated services for at-risk youth; the City of Roanoke makes every effort to maximize reimbursements from the Department of Medical Assistance for CSA services; for the past two years Medicaid payments for CSA services have averaged over \$3 million annually; for fiscal year 2004 CSA's Medicaid collections are projected at \$2.3 million; while state legislation now requires localities to utilize Medicaid facilities whenever possible, the Department of Medical Assistance limits the amount of reimbursement; thus, children placed in residential treatment facilities may be denied Medicaid reimbursement if services are deemed no longer medically necessary.

The City Manager recommended that Council:

- Increase the General Fund Revenue estimate by \$435,562.00 to CSA Revenue Account No. 001-110-1234-0692.
- Funds in the amount of \$193,136.00 may be provided from personnel lapse, Account No. 001-300-9410-1090 for the local share.

# 1190

- Appropriate funding in the amount of \$628,698.00 to the following accounts:

001-630-5410-3182	\$378,698.00
001-630-5410-3191	\$250,000.00

Mr. Fitzpatrick offered the following budget ordinance:

(#36730-062104) AN ORDINANCE to appropriate funding for troubled youth and their families and establish revenue provided by the Department of Medical Assistance, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 529.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36730-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-EMERGENCY SERVICES:** The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management (VDEM) to respond to Level III hazardous materials incidents in a regional concept involving firefighter/EMTs from the Cities of Roanoke and Salem; in November 2002, the City renewed its agreement to participate in a Level III Regional Response Team; and it is requested that the City, for the next four fiscal years (July 2004 - June 2008) authorize another agreement to keep funding and reimbursement needs current.

It was further advised that Roanoke benefits in several ways from this contract; the City receives reimbursement for training, team member physical examinations and purchase of related equipment; without the State contract, the City would still have a need for a hazardous materials response team, but would not have the corresponding benefit of being a reimbursed regional provider; the present VDEM hazardous materials team contract expires on June 30, 2004; and VDEM agreed to sign a new, four-year agreement and to furnish \$60,000.00, \$15,000.00 per contract year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs necessary to comply with Federal and State response criteria mandates.

The City Manager recommended Council authorize execution of a new contract and "pass-through" funding which honors the four-year VDEM hazardous materials team contract for the period July 1, 2004 until June 30, 2008, and appropriate funding of \$60,000.00 as follows: \$40,000.00 to Expendable Equipment and \$20,000.00 to Training and Development under the Hazardous Materials Response Team Grants to be established by the Director of Finance in the Grant Fund, and establish revenue estimates of \$15,000.00 per contract year to the similarly named accounts.

Mr. Cutler offered the following budget ordinance:

(#36731-062104) AN ORDINANCE to appropriate funds to the Regional Hazardous Materials Response Team Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 531.)

Mr. Cutler moved the adoption of Ordinance No. 36731-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36732-062104) A RESOLUTION authorizing the City Manager to enter into a four-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team and to accept "pass-through" funding in the amount of \$15,000.00 per contract year.

(For full text of resolution, see Resolution Book No. 68, Page 532.)

Mr. Cutler moved the adoption of Resolution No. 36732-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-STATE HIGHWAYS-TOTAL ACTION AGAINST POVERTY: The City Manager submitted a communication advising that Total Action Against Poverty (TAP) received notification in November, 2003, that its application for Transportation Enhancement funds through the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) for the Dumas Center for Artistic and Cultural Development was approved by the Commonwealth Transportation Board, in the amount of \$150,000.00; the funds are to be used to support the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development; the City of Roanoke must enter into separate agreements with TAP and the Virginia Department of Transportation (VDOT), which will define the responsibilities of each party; TAP would be responsible for the match

requirement of \$37,500.00; and the \$150,000.00 of TEA-21 Enhancement funds needs to be appropriated (to be reimbursed by VDOT) to a new project account for disbursement to TAP.

The City Manager recommended that Council appropriate \$150,000.00 of TEA-21 Enhancement funds to be funded by VDOT to a new project account to be entitled, "Dumas Center Enhancement Grant" for disbursement to TAP; establish a revenue estimate in the same amount for State reimbursement through the TEA-21 program; and authorize the City Manager to execute separate agreements with TAP and the Virginia Department of Transportation.

Mr. Dowe offered the following budget ordinance:

(#36733-062104) AN ORDINANCE to appropriate funding from the Commonwealth for the Dumas Center for Artistic and Cultural Development, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 533.)

Mr. Dowe moved the adoption of Ordinance No. 36733-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36734-062104) A RESOLUTION authorizing the City Manager to enter into agreements with Total Action Against Poverty in Roanoke Valley ("TAP") and the Virginia Department of Transportation ("Department"), to define the

responsibilities of each party, and to support the renovation of the historic Hotel Dumas to create the Dumas Center for Artistic and Cultural Development.

(For full text of resolution, see Resolution Book No. 68, Page 534.)

Mr. Cutler moved the adoption of Resolution No. 36734-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-RAILSIDE LINEAR WALK: The City Manager submitted a communication advising that construction of the O. Winston Link Railwalk was completed in 2003; construction of the elevated walkway portion of the project along the front of Warehouse Row was complicated by the limited site area and many overhead and underground utilities; concurrent with construction of the Railwalk project, the Warehouse Row Business Center project became an opportunity to encourage technology businesses in Roanoke; construction in this area provided an opportunity to make the needed improvements to all underground infrastructures so as to prevent future damage to the walkway and brick paving, and to provide state of the art utility service to support redevelopment of the warehouses; and water, sewer, telephone, electric power, gas and telecommunications facilities all required significant upgrades.

It was further advised that due to the complexity and difficult construction conditions of the project, power system upgrades cost were greater than originally expected; cost of the work exceeded the City's budgeted funds by \$235,751.00; unfortunately, the increased expense cannot be absorbed by American Electric Power (AEP) whose policies require that the cost of underground improvements be borne by the customer; and City staff has worked with AEP to ensure that all charges associated with the expenditure are appropriate.

The City Manager recommended that Council fund the increased power system relocation cost of \$235,751.00, which funds are available in personnel lapse, and that Council appropriate \$235,751.00 from Personnel Lapse, Account No. 001-300-9410-1090, to Railside Linear Walk Phase 5, Account No. 008-530-9759-9003.

Mr. Dowe offered the following budget ordinance:

(#36735-062104) AN ORDINANCE to appropriate additional funding for the O. Winston Link Railwalk and Warehouse Business Center Projects, amending and reordaining certain sections of the 2003-2004 General and Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 535.)

Mr. Dowe moved the adoption of Ordinance No. 36735-062104. The motion was seconded by Mr. Fitzpatrick.

The City Manager offered her personal commitment that this type of over run will not occur in the future, all necessary information will be in hand and staff will be aware of costs in advance of a project. She called attention to the desire to make state-of-the-art conduit and other activities available to new businesses and to accommodate existing owners within the Warehouse Row area who were not interested in changing the type of electrical system that serves their building; City staff spent a considerable amount of time talking with AEP officials, AEP has recognized and acknowledged that it has some responsibility in the over run because the City was not given good cost estimates and, as a result of this incident, AEP has now designated a single contact person to act as a project coordinator for all City of Roanoke projects with AEP, all work will be done under written agreements, and AEP has agreed that it will not move crews from an active project, which was one of the problems that was encountered with the Warehouse Row project in particular. She stated that the requirement for a written estimate of work for change orders will be re-enforced in advance, even it if means that work will be

stopped or delayed until such time as agreements or amendments have been reached.

The City Manager was requested to review the utility services that are available to buildings located in Warehouse Row; whereupon, she advised that utilities in the area, not unlike utilities in much of the City particularly in downtown Roanoke, are more than 100 years old; in the process of the upgrade, the water system, sewer system, telephone lines and gas service were replaced along with installation of state-of-the-art telecommunications to all Warehouse Row properties that immediately wanted telecommunication access, and the conduit has been made available so that in the future should another Warehouse Row owner desire to have those services, they will be within reach of the facility. She stated that utilities were placed under ground, street lights were installed and two different sets of electrical systems to the area are being maintained by the City in order to accommodate the desires of individual owners of the warehouses.

Ordinance No. 36735-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-PERSONNEL LAPSE FUNDS: The City Manager and the Director of Finance submitted a joint communication advising that the fiscal year 2003-2004 General Fund Budget includes funds in the nondepartmental expenditure category for several personnel related accounts, which accounts are budgeted at estimated amounts in the nondepartmental cost center because annual charges of each department are difficult to accurately predict; and actual costs are charged to departments in anticipation of year-end budget transfers to cover costs.

It was further advised that salary lapse is one of the items included in the nondepartmental category, which is the difference in budgeted City employee

salaries and actual salaries; personnel lapse is created through normal employee attrition and managed hiring efforts undertaken during the year by City staff; and at year-end, salary lapse which is created in departments is credited against the budgeted total salary lapse, and any excess salary lapse generated is spread throughout the various departments to cover additional personnel and operational needs.

The City Manager and Director of Finance noted that operational allocations using excess lapse include \$107,130.00 for operational and equipment needs in the Office of the Clerk of Circuit Court, \$152,072.00 for snow removal activities, \$215,000.00 for solid waste tipping fees, \$193,136.00 in additional local share funding for the Comprehensive Services Act program, which is recommended to Council in a separate report, and \$235,751.00 for Railside Linear Walk-E-Town improvements, also recommended to Council in a separate report.

It was explained that Workers Compensation is also initially budgeted in the nondepartmental category; funding has been budgeted as a lump sum in the non-departmental category in the General Fund to cover workers compensation wages and medical expenses; like other personnel related budgets, workers compensation budgets are established non-departmentally due to the difficulty of predicting which departments will incur the expenses and to what extent; the fiscal year 2003-2004 General Fund Budget also included funds in the non-departmental category to cover annual expenditures for unemployment wages, extended illness leave payments, and termination leave wages, as well as an anticipated increase in health and dental insurance; and these budgets should be allocated to appropriate departmental accounts in the same manner as salary lapse and workers compensation.

It was advised that a proposed budget ordinance accomplishes the above referenced transfers by adjusting each department's regular salaries line rather than adjusting all individual line items; an adjustment is also needed to increase the revenue estimate for the change in salary estimates for employee salaries reimbursed by the Commonwealth of Virginia; and a summary of the transfers is as follows:

Account	2004 Budget	Adjustment Needed	Revised Budget
Payroll Accrual	\$ 150,000.00	(\$150,000.00)	\$ 0.00
Medical Insurance	4,722,264.00	( 20,704.00)	4,701,560.00
Dental Insurance	299,906.00	11,469.00	311,375.00
Workers Compensation -Wages	400,000.00	( 160,617.00)	239,383.00
Workers Compensation -Medical	400,000.00	278,247.00	678,247.00
Unemployment Wages	35,000.00	61,993.00	96,993.00
Extended Illness Wages	20,000.00	45,185.00	65,185.00
Termination Leave Wages	91,275.00	246,887.00	338,162.00
FICA	4,942,017.00	( 340,338.00)	4,601,679.00
Salary Lapse	( 1,001,481.00)	1,001,481.00	0.00
Salaries and Wages	63,387,941.00	(2,087,961.00)	61,351,540.00
Total Expenditure Adjustments	\$75,386,728.00	\$ 34,788.00	\$75,421,516.00

Revenue Adjustment			
Social Services/State Shared Expenses	\$28,711,085.00	\$34,788.00	\$28,745,873.00

The City Manager and the Director of Finance recommended that Council authorize transfer of funding between accounts and the use of excess budgeted personal services.

Mr. Fitzpatrick offered the following budget ordinance:

(#36736-062104) AN ORDINANCE transferring funding between personal services accounts and to provide funding for certain operational needs as a result of personnel lapse realized during the year, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 536.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36736-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-ECONOMIC DEVELOPMENT: The City Manager submitted a communication advising that in order to better serve small businesses in the Roanoke area region needing financing, the City of Roanoke Department of Economic Development has been working with the Roanoke Valley/Alleghany Regional Commission to establish and administer a Community Investment Fund for a Small Business Financing loan pool through the National Development Council (NDC) and its subsidiary, the Grow America Fund, Inc. (GAFI), known as the Grow America Fund; to make the loan pool viable, the NDC believes that a regional approach would work best for the Roanoke area; NDC currently operates Grow America Fund programs in several U. S. cities, including Richmond, Virginia; the Regional Commission is willing to serve as the intermediary and to work with a group of stakeholder communities in order to participate in the program; currently the City of Salem, the City of Covington, Franklin County and the City of Roanoke wish to jointly develop a method to capitalize the fund; the Grow America Fund leverages community loan dollars to make loans, i.e. they contribute to the pool using SBA resources, typically four times the community investment; NDC or GAFI staff completely analyze loan applications, determine credit worthiness, underwrite, close, service and collect the loans for an annual contract fee of \$105,000.00 which will be paid by the four participating jurisdictions and passed through the Regional Commission as agent; and, in addition, NDC or GAFI staff assists in marketing the program and in originating and packaging the loans.

It was further advised that documents establishing the relationship with the partnering jurisdictions have been drafted, as well as the contractual relationship with NDC and GAFI, but are not finalized; and once the documents have been completed and agreed upon by partnering jurisdictions, they will be brought to Council.

To demonstrate the City of Roanoke's immediate commitment to the program, the City Manager recommended that the Director of Finance be authorized to transfer the balance of \$800,000.00 in the Southern Lane project fund, Account No. 008-002-9645-9003, to a new fund entitled "Roanoke Grow America" Fund, Account No. 008-310-9688-9003, in the amount of \$225,000.00, and the balance of \$575,000.00 to the Economic Development Reserve, Account No. 008-530-9575-9178.

Mr. Fitzpatrick offered the following budget ordinance:

(#36737-062104) AN ORDINANCE to establish funding for the Roanoke Grow America Fund, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 540.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36737-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that in May, 2001, Council authorized City officials to enter into a License Agreement ("Agreement") with Arena Ventures, LLC, ("AV") which

provided for use of the Civic Center Coliseum and certain related Civic Center facilities by AV to provide a certain number of National Basketball Development League ("NBDL") games and a certain number of entertainment events produced by SFX Concerts, Inc., over a five year period; the Agreement was entered into on May 18, 2001, and subsequently amended on September 3, 2002, September 4, 2002, and December 1, 2003; and Section 14.2 (b) of the Agreement provides AV with the right to terminate the Agreement if the average paid attendance at regular season NBDL League Games is less than 4,500 in any League season ending prior to June 1, 2004.

It was further advised that under the original terms of the Agreement, Arena Ventures would have had to provide the City with written notice no later than May 31, 2004, were it to have exercised this option; because attendance at NBDL League Games has been lower than the 4,500 threshold over the past three seasons, and due to other business concerns, Arena Ventures has indicated that it would like to renegotiate the Agreement without the pressure of the May 31 deadline; and for this reason, Council authorized extension of the deadline until June 30, 2004, in order to give both parties sufficient time to renegotiate certain terms of the Agreement.

It was explained that Arena Ventures has requested further amendments to the Agreement, relative to the goal of reducing Arena Ventures operating cost and increasing its revenue by sharing a greater percentage of the facility surcharge fee; in addition, AV has requested a reduction in the amount of the fee it pays for use of the Coliseum for each League game from \$5,000.00 to \$4,000.00; in return for these concessions, AV has agreed to waive its exclusive right to sell fixed advertising on the Outer Concourse level of the Civic Center Coliseum with respect to Old Time Hockey, LLC, i.e.: the Roanoke Express; and since these concessions will not have a significant financial impact on operations of the Civic Facilities Fund, a budget adjustment is not considered necessary in conjunction with the agreement.

The City Manager recommended that she be authorized to execute an amendment to the License Agreement with Arena Ventures, LLC, to provide for

the above referenced amendments, all documents to be upon form approved by the City Attorney.

Council Member Dowe advised that he is a paid employee of the National Basketball Association which is affiliated with the NBDL and inquired if he should abstain from voting on the measure; whereupon, the City Attorney advised that he would not be required to abstain from any discussion or vote on the ordinance.

Mr. Harris offered the following ordinance:

(#36738-062104) AN ORDINANCE authorizing the City Manager and City Clerk to execute and attest, respectively, an amendment to the License Agreement entered into with Arena Ventures, LLC, dated May 18, 2001, as amended, upon certain terms and conditions; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68, Page 541.)

Mr. Harris moved the adoption of Ordinance No. 36738-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY ATTORNEY:

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Attorney submitted a written report advising that the Western Virginia Water Authority ("Authority") will begin operation on July 1, 2004; ownership and operation of water and sewage facilities of the City of Roanoke and the County of Roanoke will become assets of the new entity as of July 1, 2004; therefore, several changes to the City Code are necessary; specifically, certain

sections of Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, need to be amended and other sections repealed as a result of creation of the Authority.

It was further advised that because the Authority will establish its own rules, regulations, fees, and charges, sections of Chapter 26, Sewers and Sewage Disposal, which pertain to rules and regulations, general operation of the Water Pollution Control Division of the Utilities Department, fees, and charges will no longer be applicable and need to be either amended or repealed; the amendments revise the definition of certain terms in the Sewer Use Standards, delete any reference to activities no longer governed by the City, and specifically add the Authority to certain sections to reflect the existence of the Authority and to authorize the Authority, to the extent permitted by law, to enforce such code provisions; and the City Attorney's Office has worked with counsel for the Authority with regard to the City Code revisions.

The City Attorney recommended that Chapter 26, Sewers and Sewage Disposal, of the Code of the City of Roanoke (1979), as amended, be amended, effective on and after July 1, 2004.

Mr. Fitzpatrick offered the following ordinance:

(#36739-062104) AN ORDINANCE amending and reordaining Chapter 26, Sewers and Sewage Disposal, Code of the City of Roanoke (1979), as amended, by adding, amending, and repealing certain sections in order to conform them with changes necessitated by the implementation of the Western Virginia Water Authority (WVWA); providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 542.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36739-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-SEWERS AND STORM DRAINS-WATER RESOURCES: The City Attorney submitted a written report advising that the Western Virginia Water Authority ("Authority") will begin operation on July 1, 2004; ownership and operation of water and sewage facilities of the City of Roanoke and the County of Roanoke will become assets of the new legal entity as of July 1, 2004; therefore, certain sections of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, need to be amended and other sections need to be repealed.

It was further advised that because the Authority will establish its own rules, regulations, fees, and charges, sections of Chapter 35, Water, which pertain to rules and regulations, general operation of the water division, fees and charges, activities adjacent to the Carvins Cove Natural Reserve ("Reserve"), and boating need to be either amended or repealed; and the amendments revise the definition of the Reserve to exclude that area currently in the Reserve which is being transferred to the Authority (since the City will no longer own this portion of the property and it is not located in the City, the City can not regulate it), delete any reference to activities no longer governed by the City, such as swimming and boating, and specifically add the Authority to certain sections to reflect the existence of the Authority.

The City Attorney transmitted a proposed ordinance amending Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, effective July 1, 2004.

Mr. Cutler offered the following ordinance:

(#36740-062104) AN ORDINANCE repealing §§35-1 through 35-4, of Article I, In General, and amending and reordaining §§35-14, 35-16, 35-17,

and 35-23, and repealing §§35-22 and 35-26, of Article II, Carvins Cove Natural Reserve, and repealing §§35-42 through 35-56, of Division 2, Boating, of Article II, Carvins Cove Natural Reserve, of Chapter 35, Water, of the Code of the City of Roanoke (1979), as amended, adding appropriate references to the Western Virginia Water Authority, and repealing those sections no longer applicable as a result of the creation of the Western Virginia Water Authority; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 566.)

Mr. Cutler moved the adoption of Ordinance No. 36740-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Council Member Cutler inquired if it is envisioned to officially designate the 12,000 acres at the Carvins Cove Reservoir as a component of the greenway system; whereupon, the City Manager advised that it is an excellent suggestion which could be considered by Council at a future meeting.

CITY CODE: The City Attorney submitted a written report advising that since 1982, Council has reenacted and recodified the City Code on an annual basis in order to properly incorporate in the Code amendments made by the General Assembly at the previous Session to State statutes that are incorporated by reference in the City Code, which procedure ensures that ordinances codified in the City Code incorporate the most recent amendments to State law; incorporation by reference is frequently utilized in local codes to preclude the necessity of having to set out lengthy provisions of State statutes in their entirety; in addition, the technique ensures that local ordinances are always consistent with State law as is generally required; and the procedure whereby a local governing body incorporated State statutes by

# 1206

reference after action of the General Assembly has been approved by the Attorney General.

The City Attorney recommended that Council adopt an ordinance to readopt and reenact the Code of the City of Roanoke (1979), and advised that if the ordinance is not adopted, City Code sections incorporating provisions of the State Code amended at the last Session of the General Assembly may not be deemed to include recent amendments and may be impermissibly inconsistent which could result in the dismissal of criminal prosecutions under these City Code sections.

Mr. Harris offered the following ordinance:

(#36741-062104) AN ORDINANCE to readopt and reenact the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 575.)

Mr. Harris moved the adoption of Ordinance No. 36741-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

DIRECTOR OF FINANCE:

SEWERS AND STORM DRAINS-BONDS/BOND ISSUES-WATER RESOURCES:  
The Director of Finance submitted a written report advising that the Western Virginia Water Authority (Authority) will begin operation on July 1, 2004; upon formation, assets and liabilities of the City's Water and Water Pollution Control functions will be transferred to the Authority; liabilities of the Water and Water Pollution Control funds include both general obligation bonds and

revenue bonds; general obligation bonds will be retained by the City with agreement that the Authority will repay the City in amounts sufficient to cover debt service on the bonds; and the operating agreement which will govern the formation of the Authority will include provisions for such payment to be made to the City by the Authority.

It was further advised that the City's Series 2003 Sewer Revenue Bond from the Virginia Resources Authority (VRA) was contracted between the City and the VRA such that the debt could be assumed by the Authority upon its formation; amount of the bond is \$17,511,501.00; and approval by Council is needed to authorize the Mayor to execute an agreement among the City, the County, the Authority, and the VRA, whereby the Authority will assume the indebtedness, and the agreement also includes similar provisions for the Authority to assume indebtedness of the County.

The Director of Finance recommended that Council authorize the Mayor to execute an agreement between the City and the Western Virginia Water Authority whereby the Authority will assume the Series 2003 Sewer Revenue Bond from the Virginia Resources Authority (VRA), effective July 1, 2004, such agreement to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36742-062104) A RESOLUTION approving the assumption of certain revenue bonds by the Western Virginia Water Authority.

(For full text of resolution, see Resolution Book No. 68, Page 577.)

Mr. Cutler moved the adoption of Resolution No. 36742-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-PENSIONS-WATER RESOURCES: The Director of Finance submitted a written report advising that the Western Virginia Water Authority (Authority) is being created by the City of Roanoke and the County of Roanoke which localities are working to merge their water impoundment, treatment, and distribution systems and waste water collection and treatment systems into one system; and the Authority will be a separate legal entity governed by a seven-person Board, the members of which are appointed by Roanoke City Council and the Roanoke County Board of Supervisors.

It was further advised that employees of the City and the County who currently work in the areas of water and wastewater treatment will transfer to the Water Authority, effective July 1, 2004; it is the desire of the Water Authority to allow those City of Roanoke employees who are currently members of the City of Roanoke Pension Plan (Plan) to continue to remain members of the Plan; in order for this to occur, the Western Virginia Water Authority must be defined as a Participating Employer in the Plan; Section 22.2-2, Definitions, of Chapter 22.2 Pensions and Retirement, Code of the City of Roanoke (1979), as amended, indicates upon recommendation by the Pension Board, and the consent of City Council, that any governmental employer may adopt the City Plan; the Plan currently includes the Roanoke Valley Resource Authority, Roanoke Regional Airport Commission, City of Roanoke School Board, and the Roanoke Valley Detention Commission as Participating Employers; and current Roanoke County employees and any new employees of the Water Authority will participate in the Virginia Retirement System.

It was explained that the City administration believes that this is the most equitable treatment for City employees who will be transitioning to the Water Authority; the Pension Board also recommended that this group of employees be allowed to continue as members of the City's Pension Plan; and future contributions will be made on behalf of these employees by the Water Authority at the prevailing actuarial contribution rate, thus, the pro rata cost of their on-going participation in the Plan will be fully paid by the Western Virginia Water Authority.

The Director of Finance recommended that Council adopt an ordinance designating the Western Virginia Water Authority as a Participating Employer in the City of Roanoke Pension Plan.

Mr. Harris offered the following ordinance:

(#36743-062104) AN ORDINANCE amending §22.2-2, Definitions, of Chapter 22.2, Pensions and Retirement, Code of the City of Roanoke (1979), as amended, to provide for the continued participation of certain City employees in the City's retirement plan after they become employees of the Western Virginia Water Authority; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 578.)

Mr. Harris moved the adoption of Ordinance No. 36743-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-INTERNAL SERVICE FUND: The Director of Finance submitted a written report advising that the City of Roanoke's Internal Service Funds account for certain services provided to departments by other funds of the City; Internal Service Funds recover their costs by charging the receiving departments for services; the City has three Internal Service Funds: Department of Technology, Fleet Management and Risk Management; budgeted funds for internal services are allocated in the General Fund in each fiscal year's budget throughout various departments based on estimated usage; usage usually varies from the original estimates; at this time during each fiscal year, it is necessary to make transfers between General Fund departments to provide sufficient funds for internal services for the fiscal year; and no adjustments

# 1210

are required for fiscal year 2004 in the Internal Services Funds themselves since each was adequately budgeted as a whole for revenues and expenses.

A summary of General Fund transfers relative to each separately billed internal service is as follows:

<u>Internal Service</u>	<u>General Fund Total Budget Amount Before Transfers</u>	<u>Net Transfers In/Out</u>	<u>Revised Budget Amount</u>
Motor fuel and lubricants	\$ 535,320.00	\$ 27,884.00	\$ 563,204.00
Department of Technology	3,695,556.00	88,723.00.00	3,784,279.00
Risk Management Claims	-	83,615.00	188,615.00
Risk Management Overhead	647,365.00	11,304.00	658,669.00
Fleet Management	1,636,753.00	( 23,691.00)	1,613,062.00
Fleet Rental	1,809,191.00	854.00	1,810,045.00
<b>Total</b>	<b>\$8,324,185.00</b>	<b>\$ 188,689.00</b>	<b>\$8,617,874.00</b>

The increase in billing for motor fuels and lubricants is due to an increase in fuel costs; Department of Technology billings increased due to higher than expected charges to General Fund departments for technology services; Risk Management Claims were not budgeted in the General Fund, yet several settlements were made during the course of the year; other internal service transfers were relatively small; and additional funding of \$293,689.00 is needed in total for the billings and is available from unused funding for life insurance, Account No. 001-250-9110-1130.

The Director of Finance recommended that Council transfer funds between accounts in the General Fund as described in a proposed budget ordinance.

Mr. Fitzpatrick offered the following budget ordinance:

(#36744-062104) AN ORDINANCE appropriating funds to reallocate and provide additional funding for certain internal service charges, amending and reordaining certain sections of the 2003-2004 General Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 580.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36744-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF COMMITTEES:

GRANTS-SCHOOLS: A report from the Roanoke City School Board requesting the closeout of 47 school grants that have been completed, advising that total outlays for the grants are \$13,742,859.53, and revenue for the grants was provided as follows, was before Council.

Federal funds	-	\$8,828,222.57
State funds	-	\$2,232,533.90
Fees and donations	-	\$ 874,484.57
Local match	-	\$1,807,618.49

The Director of Finance submitted a written report transmitting a list of completed grants for information purposes, and advised that no action by Council is required.

Without objection by Council, the Mayor advised that the report from the Roanoke City School Board would be received and filed.

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting approval by Council of the following appropriations and transfers of funds, was before the body:

\$30,000.00 for Crystal Spring Elementary School improvements, said project to be funded from the Board's construction contingency fund;

\$324,480.00 for the School Bus Retrofit project to be funded with a donation from Virginia Electric Power Company and a local match to install diesel oxidation catalysts on school buses and reflash the electronic control modules on school buses in conjunction with guidelines established by the Virginia Department of Environmental Quality.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36745-062104) AN ORDINANCE to appropriate funding for elementary improvements and school bus maintenance and to establish a new grant, amending and reordaining certain sections of the 2003-2004 School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, Page 584.)

Mr. Dowe moved the adoption of Ordinance No. 36745-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Council Member Fitzpatrick offered the following resolution changing the place of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Tuesday, July 6, 2004, to Room 212, Higher Education Center, 108 North Jefferson Street, City of Roanoke, with the 2:00 p.m., session on the same date to be held in the City Council Chamber, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W.

(#36746-062104) A RESOLUTION changing the place of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Tuesday, July 6, 2004.

(For full text of resolution, see Resolution Book No. 68, Page 585.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36746-062104. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:

SEWERS AND STORM DRAINS–ACTS OF ACKNOWLEDGEMENT–WATER RESOURCES: Council Member Fitzpatrick commended Mayor Smith and Council Members Bestpitch and Wyatt for their role in the creation of the Western Virginia Water Authority.

ACTS OF ACKNOWLEDGEMENT–MANAGEMENT AND BUDGET: Council Member Cutler congratulated Sherman L. Stovall upon his appointment as Director of Management and Budget, effective June 11, 2004.

ACTS OF ACKNOWLEDGEMENT–CITY COUNCIL: Mayor Smith advised that it has been a pleasure to serve the citizens of the City of Roanoke as Mayor for the past four years.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridgecrest Road, Hardy, Virginia, advised that not since the terrorist attacks on the United States on September 11, 2001, has there been such a revival of the American spirit and unity as has been expressed during the past few days as America said its goodbyes to former President Ronald Reagan. He stated that Americans should be proud of their country and honor those veterans who fought for their country; while nothing on the world scene has changed during the past week, President Reagan has reached out through his death to draw the nation together as Americans remember the drama of his life and the changing of the world today, and it is hoped that this revived spirit of America will continue. He stated that Americans should celebrate their independence and Roanokers should celebrate the Fourth of July at Victory Stadium which is a facility that was dedicated to the memory of Roanoke Valley veterans.

HOUSING/AUTHORITY–CITY EMPLOYEES–COMPLAINTS: Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to the

need for affordable housing in the City of Roanoke, the need to bring the City's pay scale up to a level that will enable the average City employee to purchase a house, the need for an improved economy for all Roanoker's, and more efforts should be made to promote diversity in the City of Roanoke.

CITY MANAGER COMMENTS:

GENERAL SERVICES-ACTS OF ACKNOWLEDGEMENT-CITY EMPLOYEES-ENTERPRISE ZONE: The City Manager expressed appreciation to City employees who participated in the Relay for Life event which was sponsored by the American Cancer Society on Friday, June 18, 2004, at Victory Stadium, and advised that City employees raised over \$5,000.00.

She commended those City employees who participated in the Building New Partnerships Conference which was held at The Hotel Roanoke and Conference Center on Saturday, June 19, 2004, which included participation by over 30 City departments and organizations; workshops were offered on small loans, bonding and certification, and insurance, etc., and the event offered an opportunity for City departments to provide information on their role in City government.

The City Manager advised that the Governor of Virginia has recognized the City of Roanoke as one of five communities whose Enterprise Zone has been reauthorized for another 20 years.

At 4:20 p.m., the Mayor declared the Council meeting in recess for two briefings, which were followed by two Closed Sessions.

At 4:25 p.m., the Council meeting reconvened in the Council's Conference Room, with all Members of the Council in attendance, Mayor Smith presiding.

BRIDGES-ACTS OF ACKNOWLEDGEMENT: The City Manager introduced a briefing by representatives of the Dr. Martin Luther King, Jr. Committee, which was appointed to facilitate development of a memorial to Dr. King in

# 1216

connection with the proposed rehabilitation of the First Street Bridge. She advised that the briefing will be facilitated by Ms. Brenda Hale and Ms. Lee Wolfe, members of the Committee.

Ms. Hale advised that in late 2003, the Dr. Martin Luther King, Jr. Committee was appointed to facilitate the development of a suitable memorial to Dr. King in conjunction with the proposed rehabilitation of the First Street Bridge; the Committee divided itself into subgroups to begin the process of developing recommendations for creation of the memorial, looking at such things as the design and treatment of the north and south end of the bridge, rehabilitation of the bridge itself and creation of a public open space at the northern end of the bridge; and an open house was held on Tuesday, June 14, 2004, at the Dumas Center to obtain further public input on the Committee's recommendations, at which time a summary of the Committee's recommendations, project cost estimates, and conceptual design were displayed for review by the public.

Ms. Wolfe reviewed the membership of the Committee, i.e.: Gilbert Butler, Herman Carter, Barbara Duerk, Brenda Hale, Bishop Heath Light, J. Granger Macfarlane, Mac McCadden, the Reverend Edward Mitchell, Wendy Moore, Mignon Chubb-Hale, Perneller Chubb-Wilson, Jeff Artis, Ted Edlich, Vernice Law, Tom McKeon, John Baker, Melody Stovall, Mark McConnell, Dr. Floyd Davis, Council Member Linda F. Wyatt, Council Member M. Rupert Cutler, Lee Wolfe, Rolanda Russell, Brian Townsend and Jan Bruce.

Ms. Wolfe reviewed the following summary of recommendations of the Committee:

Green space - Park:

Remove overhead light pole on west side

Attempt to use existing fence around perimeter

Grade and re-seed all slopes

Sidewalk connections to bridge and Gainsboro Parking Garage

Utilize monument/obelisks/quotes

Benches around centerpiece

Refuse receptacles  
Up lighting for landscaping statue

Bridge:

Medallions at either end of bridge – name/likeness of Dr. King  
Name in pavement as alternative  
Lighting on bridge as per conceptual plan  
Stairway/elevator as option to project  
Provide better flair/abutment of bridge on south end at Salem Avenue  
Directional signage to bridge and memorial

Ms. Wolfe reviewed the following cost estimates:

Statue	\$ 100,000.00 – \$ 150,000.00
Medallions at Bridge Entrance (4)	10,000.00
Audio – visual stations (4)	20,000.00
Observation platforms	25,000.00 – 30,000.00
Benches (4)	2,800.00
Trash receptacles (4)	2,400.00
MLK park lighting	75,000.00 – 90,000.00
Park landscaping	30,000.00 – 35,000.00
Subtotal	265,000.00 – 340,200.00
Stair/elevator tower	200,000.00 – 225,000.00
Total	\$ 465,000.00 – 565,200.00

An attachment to the report included the names of persons who attended the open house on June 14, 2004, and a summary of comments.

(See attachment on file in the City Clerk's Office.)

Ms. Hale advised that a conceptual design reflecting the recommendations was prepared by Hayes, Seay, Mattern and Mattern, Inc., who, in conjunction with City staff, provided technical support to the Committee during the process. She stated that the Committee has completed this phase of its work and submits its recommendations to Council for

review and consideration; and once Council has reviewed the Committee's recommendations and related conceptual design, the Committee is prepared to facilitate moving the project to the design and implementation stage.

Ms. Hale acknowledged and expressed appreciation for the work of the Committee and also expressed appreciation to Council for its support of the Committee's work in this important community endeavor.

Ms. Perneller Chubb-Wilson, representing the Southern Christian Leadership Conference (SCLC), called attention to support of the recommendation by both the local and State SCLC. She stated that caution must be exercised when naming anything in memory of Dr. King because the King name has been patented and copyrighted.

The City Manager advised that the plans before Council provide for a vehicular bridge; it is anticipated that Council will schedule a work session to discuss the matter prior to taking official action; there are slight to major differences within the framework of the Committee and a different idea in regard to the direction of vehicular traffic which is a decision to be made by Council; bridge amenities will be funded, in part, by a \$270,000.00 appropriation that Congressman Goodlatte was instrumental in obtaining and Congressman Goodlatte believes that the balance of funding will be forthcoming; and certain actions will need to take place in order to use Federal funds which will add some additional time to the process, and City staff is ready to proceed at the pace of Council.

Council Member Wyatt advised that there was a strong and frank dialogue among Committee members, the Committee worked as a group to be proactive rather than reactive, members took responsibility and assumed ownership for the recommendation; there was always a concern for the greater good at each meeting of the committee, and the project was citizen driven.

Allison Blanton, Executive Director, Roanoke Valley Preservation Foundation, expressed appreciation to the Committee on behalf of the Board of Directors of the Preservation Foundation. She advised that the Preservation

Foundation would like to be a part of the cooperative effort and is not opposed to the MLK memorial, although the Preservation Foundation supports a vehicular bridge, if possible; however, the greatest concern is that the original bridge structure will be kept intact and preserved because of its historical value and because it is surrounded by historic districts that have been redeveloped and renovated. She asked that all options be explored and that the services of a preservation engineer be engaged by the City. In summary, she stated that the Preservation Foundation supports the proposed memorial to Dr. King, the City is requested to maintain the memorial as a historical bridge, and the Roanoke Valley Preservation Foundation offers its assistance as a partner with the City to achieve this goal.

Mr. Robert Gravely, 729 Loudon Avenue, N. W., applauded the accomplishments of the Dr. Martin Luther King, Jr. Committee, however, he stated that the recommendation is a disgrace to the memory of Dr. King and what he stood for.

The City Manager requested guidance as to how Council would like to proceed. She advised that City staff will work with the Roanoke Valley Preservation Foundation to obtain the services of a preservation engineer to ensure that all options have been explored and the Dr. Martin Luther King, Jr. Committee has offered to participate in implementation of the recommendations.

**CIVIC CENTER:** The City Manager introduced a briefing on new seating and placement of a center aisle in the Auditorium at the Roanoke Civic Center.

Wilhelmina Boyd, Director, Civic Facilities, advised that:

- The Roanoke Civic Center has been the proud host to some of the world's finest entertainers and scores of traveling Broadway productions.
- The Roanoke Symphony provides a wide variety of orchestral events.
- The Auditorium has also been the desired venue for graduations, dance recitals and concerts.

- Seating in the Auditorium has been in place since 1971.
- The balcony has the original upholstery.
- Loge and orchestra level seating have been re-upholstered once.
- The facility has 2,440 continental style seats that were popular in the 1970's.
- Seats are badly worn and torn and there have been numerous complaints about the condition and configuration of the seats.
- The poor quality of seating does not match the high quality events that are presented in the Auditorium.
- In 2003, plans were initiated to refurbish the backs and seats, however, repair parts are in scarce supply.
- Further investigation has revealed that refurbishment could cost as much or more than new seats.
- \$146,000.00 was allocated in 2003 from retained earnings which will not cover the cost.
- New or refurbished seats would cost more than double the allotted funds, therefore, new seating has been considered.
- Installation of new chairs and standards would allow an opportunity to create a center and cross aisle in the orchestra section.
- The balcony has aisles with the exception of the front row.
- The loge would not require aisles.
- By creating aisle space, seating capacity would be 2,200.
- The Symphony and JAM Theatricals have been made aware of the possible reduction in seating and are enthusiastic about having new seats and aisle.
- Loss of seating would not present a problem considering the fact that there were only two sell out events in fiscal year 2003-2004 and one sell out performance for a multiple show event.
- Invitations to bid were sent to \_\_\_\_\_ companies that

have experience with manufacturing and installing auditorium seating.

Bidders must have installed seating in at least five similar type facilities.

Bids are due on July 2, 2004, and on July 6, Council will be requested to approve the use of retained earnings to offset the cost of new seating.

The successful bidder must be able to complete manufacturing, demolition of old seats and installation of new seats by September 30, 2004.

- Estimated cost for the seats is \$300,000.00 to \$350,000.00.
- The original allocation of \$146,000.00 can be supplemented with additional retained earnings of \$254,000.00.
- Approval by Council to move forward with the purchase of new seating for the Civic Center Auditorium is requested.
- Approval by Council for appropriation of \$180,000.00 from retained earnings to cover the cost of demolition of the old seats, purchase, manufacture and installation of new auditorium seating is also requested.

The City Manager advised that with the concurrence of Council, she will submit a recommendation to Council at its next regular meeting on Tuesday, July 6, 2004, requesting that Council approve additional funds for Civic Center Auditorium seat replacement.

Following questions/discussion with regard to the benefits of refurbishment versus replacement, it was the consensus of Council to concur in the recommendation of the City Manager to replace Civic Center Auditorium seats.

At 6:15 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 6:20 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, Mayor Smith presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, and Cutler-----4.

NAYS: None-----0.

(Mayor Smith and Council Members Dowe and Fitzpatrick were not in the Council Chamber when the vote was recorded.)

OATHS OF OFFICE-COMMITTEES-SCHOOLS: The Mayor advised that there is a vacancy on the Board of Directors, Virginia Western Community College, to fill the unexpired term of Harriet S. Lewis, resigned, ending June 30, 2006; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Dennis R. Cronk.

There being no further nominations, Mr. Cronk was appointed as a member of the Board of Directors, Virginia Western Community College, to fill the unexpired term of Harriet S. Lewis, resigned, ending June 30, 2006, by the following vote:

FOR MR. CRONK: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

COMMITTEES–YOUTH: The Mayor advised that there is a vacancy on the Youth Services Citizen Board, for a term ending May 31, 2007; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Bestpitch placed in nomination the name of Saduma H. Guhad.

There being no further nominations, Ms. Guhad was appointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2007, by the following vote:

FOR MS. GUHAD: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

At 6:25 p.m., the Mayor declared the Council meeting in recess until 7:00 p.m., in the City Council Chamber.

At 7:00 p.m., on Monday, June 21, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., (arrived late), and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with prayer by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Public Facility Consortium, LLC, to rezone a portion of two tracts of land located at 2903 Peters Creek Road, N. W., containing 11.5 acres, more or less, identified as Official Tax Nos. 6410105 and 6410106, from RS-3, Residential Single Family District, and C-2, General Commercial District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

The City Planning Commission submitted a written report advising that the purpose of the proposed rezoning is to permit general and professional offices on the property; with proffered conditions, the application of C-2, General Commercial District, to the subject properties, is appropriate; the petitioner proffers one use for the subject properties, general and professional offices; although the proffered use is permitted by right in the C-1, Office District, the petitioner requests C-2 to allow for a maximum height of 45 feet, as opposed to a maximum 35 foot height in the C-1 District; staff believes that the proffer allowing only office uses ensures compatibility with the surrounding area; proffered conditions to increase the depth of the required buffer yard along the rear lot line and to limit the intensity of outdoor lighting along adjacent property lines greatly protects surrounding districts from development impacts; staff also believes that site development issues have been adequately addressed through the petitioner's proffers; and the proffered

conditions provide storm water and run-off measures, parking limitations in front of the building and on the entire site, and landscaping to provide for an adequate tree canopy.

The City Planning Commission recommended that Council approve the request for rezoning, in view of the proffered conditions of the amended petition.

Mr. Harris offered the following ordinance:

(#36747-062104) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 641, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 586.)

Mr. Harris moved the adoption of Ordinance No. 36747-062104. The motion was seconded by Mr. Fitzpatrick.

Maryellen F. Goodlatte, Attorney, representing the petitioner, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36747-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Mid-South Management, LLC, a Virginia limited liability company, that proffered conditions presently binding upon a tract of land located at the intersection of Orange Avenue and King Street, N. E., designated as Official Tax No. 7090511, as set forth in Ordinance No. 29147, adopted on June 20, 1988, be amended, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

The City Planning Commission submitted a written report advising that in June, 1988, pursuant to Ordinance No. 29147, property identified as Official Tax No. 7090511 was rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, with proffered conditions, for the purpose of constructing a drive-through banking facility; and conditions presently binding upon Official Tax No. 7090511 as a result of the conditional C-2, General Commercial rezoning in 1988 are as follows:

The property will be developed in substantial compliance with a site development plan prepared by T. P. Parker & Son, Engineers and Surveyors, LTD., dated April 13, 1988, subject to any changes required by the City during site plan review.

If no building permit has been issued and no construction commenced within three years from the date of final zoning approval, zoning shall revert to Light Manufacturing (LM) District without further action by Council.

It was further advised that a petition to amend proffered conditions on Official Tax No. 7090511 was filed on April 1, 2004; an amended petition to amend proffered conditions was filed on May 27, 2004; the petitioner requests that the proffers as stated above and enacted by Ordinance No. 29147 be repealed as they apply to Official Tax No. 7090511 and that the following proffered conditions be substituted and adopted by those existing proffers delineated above:

The subject property shall be developed for the location of a drive-thru car wash in substantial conformity with the site development plan dated March 31, 2004, prepared by T. P. Parker & Son.

The only freestanding signage on the premises shall be as indicated on the proffered site development plan dated March 31, 2004, which signage shall not be greater than 60 square feet.

The exterior of the building shall be brick face with a standing seam metal roof with gables.

Given the previously proffered and approved drive-through banks, on the subject property and the proffered conditions, the City Planning Commission recommended that Council approve the request to amend proffered conditions, as amended.

Mr. Harris offered the following ordinance:

(#36748-062104) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 709, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 588.)

Mr. Harris moved the adoption of Ordinance No. 36748-062104. The motion was seconded by Mr. Fitzpatrick.

Edward A. Natt, Attorney, representing the petitioner, appeared before Council in support of the request of his client.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke in opposition to the request for rezoning and advised that adding a car wash establishment to an area that is already heavily congested will increase traffic.

There being no further speakers, the Mayor declared the public hearing closed.

Council Member Fitzpatrick inquired about a statement made by a representative of Kroger at the City Planning Commission hearing in regard to Kroger's willingness to share financially in the responsibility for resolving traffic issues, such as the widening of King Street or the addition of turn lanes; whereupon, the City Manager advised that Kroger was asked several years ago to participate in the construction of a left turn lane that would facilitate the movement in and out of Kroger when Kroger was seeking to construct a gas station and pumps on the site, and, at the time, Kroger was unwilling to participate at the level requested by the City, therefore, the fueling station was not constructed. She further advised that the City's Traffic Engineer has reviewed the traffic situation at the intersection to the proposed car wash and concluded that it does not create sufficient traffic generation to pose additional problems; however, it is clear that at some point in the future improvements will have to be made to a much longer stretch of King Street than just to the original request that was proposed for the left turn signal, which improvements are estimated to be in excess of \$500,000.00; and the amount of money that the City requested of Kroger several years ago was relatively small in comparison to the current \$500,000.00 estimate.

There being no further discussion or comments by Council Members, Ordinance No. 36748-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Bestpitch, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was not present when the vote was recorded.)

Council Member Dowe entered the meeting.

**DOWNTOWN ROANOKE, INCORPORATED-SPECIAL SERVICE DISTRICT:**  
Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed expansion of Downtown Roanoke Service District boundaries, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

The City Manager submitted a communication advising that a Downtown Service District (DSD) was first established by Council on December 8, 1986, effective July 1, 1987; on May 28, 1991, Council approved expansion of the DSD to include the boundaries that represent the DSD as it stands today; revenues generated by the District contribute approximately \$250,000.00 annually to the operation of Downtown Roanoke Incorporated (DRI); the current taxation rate of the DSD is 10 cents per \$100.00 of assessed value; and the City Administration has received a request from DRI for consideration of a further expansion of the District boundaries.

It was further advised that during 2003, DRI conducted a review of potential areas for further expansion of the Special Services District; the process included evaluation of land uses and functions of the areas, review of

# 1230

the services and benefits that would be provided by the Special Services District to the areas, and meetings with property owners and business interests located within the areas.

It was explained that the area identified for expansion is located to the west of the current District, and is bounded by 5<sup>th</sup> Street on the east, 7<sup>th</sup> Street on the west, Marshall Avenue on the south, and the rear property lines of properties fronting on the north side of Campbell Avenue on the north; the area contains such facilities as the YMCA facility currently under construction, The Jefferson Center, the Cotton Mill property, and a variety of commercially developed properties along Campbell Avenue; and it is estimated that approximately \$3,000.00 of additional annual revenue and contribution to Downtown Roanoke Inc. will result from the expansion area at the current taxation rate.

The City Manager advised that expansion will provide a wide range of services and support activities provided by DRI to the area, including participation and inclusion in ongoing planning and marketing initiatives, economic development initiatives such as business retention and recruitment, community relations, and special events; therefore, she recommended that Council approve expansion of the Downtown Special Services District.

Mr. Fitzpatrick offered the following ordinance:

(#36749-062104) AN ORDINANCE amending and reordaining §32-102.2, Defined, of Chapter 32, Taxation, Code of the City of Roanoke (1979), as amended, to amend the definition of the downtown service district to expand such district; providing for an effective date; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 590.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36749-062104. The motion was seconded by Mr. Harris.

David A. Diaz, President, Downtown Roanoke, Inc., appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36749-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Bestpitch, Dowe and Mayor Smith-----7.

NAYS: None-----0.

Council Member Fitzpatrick requested that the record reflect that he is a member of the Foundation for Downtown Roanoke, Inc., however, he receives no remuneration for his service.

COMMUNITY PLANNING-ROANOKE VISION, COMPREHENSIVE DEVELOPMENT PLAN: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an amendment of Vision 2001-2020, the City's Comprehensive Plan, to include the Franklin Road/Colonial Avenue Area Plan, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

The City Planning Commission submitted a written report advising that the Franklin Road/Colonial Avenue Area Plan covers an area southwest of downtown Roanoke and is bounded by Brandon Avenue to the north, the neighborhoods of Greater Raleigh Court and Grandin Court to the west, South Roanoke to the east, and Roanoke County to the south; and City Planning staff noted the following issues in the plan that need to be addressed:

Traffic flow around Colonial Avenue between Towers Shopping Center and Virginia Western Community College, including exit/entrance ramps from Route 220 and Wonju Street.

Maintaining the original character and density of single-family neighborhoods

Divided opinions of residents on potential curb and gutter improvements

To address these issues, the Plan features four priority recommendations:

#### Community Design

- Define the edges of commercial centers, and commercial zoning and development on Colonial Avenue and Franklin Road to ensure that residential areas are preserved and development of existing commercial sites is maximized.

#### Residential Development

- Maintain current residential densities in the update of the zoning ordinance per the future land use map.

#### Economic Development

- Focus small-to-medium sized commercial development in concentrated centers infrastructure.
- Improve the flow of traffic in the vicinity of Virginia Western Community College and Towers Shopping Center, including Wonju Street, Brandon and Colonial Avenues and

all exit/entrance ramps. This improvement is the highest priority of the plan.

- Focus curb, gutter and sidewalk improvements to existing arterial streets and ensure inclusion in all future developments/subdivisions.

The City Planning Commission recommended approval of the Franklin Road/Colonial Avenue Area Plan for adoption as a component of *Vision 2001-2020*.

Mr. Harris offered the following ordinance:

(#36750-062104) AN ORDINANCE approving the Franklin Road/Colonial Avenue Area Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Franklin Road/Colonial Avenue Area Plan; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68, page 592.)

Mr. Harris moved the adoption of Ordinance No. 36750-062104. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36750-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Cutler, Bestpitch, Dowe and Mayor Smith-----7.

NAYS: None-----0.

# 1234

**STREETS AND ALLEYS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of the City of Roanoke that a certain 32.5 square foot portion of a 15-foot alley located between 3<sup>rd</sup> and 4<sup>th</sup> Streets, S. W., adjacent to a parcel of land identified as Official Tax No. 1011306, be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

The City Planning Commission submitted a written report advising that the petitioner plans to construct a concrete pad to support a dumpster that serves the Police Department's building at Official Tax No. 1011306; the subject portion of the alley is not improved; width of the alley is approximately 15 feet, with only 10 feet paved; the proposed vacation of, and subsequent construction in, the subject portion of alley will not limit or deny vehicular access to the alley; the petitioner has indicated that construction of the concrete pad will temporarily close the alley to through traffic; and the petitioner has also stated that all vehicular use of the alley will be restored upon completion of construction.

The City Planning Commission recommended approval of the request to vacate, discontinue and close the portion of alley, subject to certain conditions and that the petitioner not be charged for the portion of right-of-way.

Mr. Harris offered the following ordinance:

(#36751-062104) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 594.)

Mr. Harris moved the adoption of Ordinance No. 36751-062104. The motion was seconded by Mr. Dowe.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

The being no discussion or comments by Council Members, Ordinance No. 36751-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-SCHOOLS:** Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adjustment of the aggregate amount of the Fiscal Year 2004-2005 School Fund Budget, in connection with appropriation of an additional \$4,049,545.00 from the Commonwealth of Virginia, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 11, 2004.

A communication from the Roanoke City School Board requesting that Council approve the supplemental appropriation request of \$4,049,545.00 in State funds approved by the General Assembly, advising that the increase in State revenue categories are the result of actions taken by the Virginia General Assembly subsequent to passage of the City and School budgets by Council; additional funds will be used to provide for payment of Comprehensive Services Act costs, addition of 31.0 full-time equivalent positions, addition of seven pre-school classes, implementation of funds for discipline/safety, an increase in the capital project debt reserve, an increase in employee health insurance

premiums, and an increase of 2.0 per cent in the employee salary pay scales, was before the body.

The Director of Finance submitted a written report recommending that Council concur in the request of the School Board.

Mr. Dowe offered the following budget ordinance:

(#36752-062104) AN ORDINANCE to appropriate funding approved by the General Assembly and to decrease the funding from the City, amending and reordaining certain sections of the 2004-2005 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 596.)

Mr. Dowe moved the adoption of Ordinance No. 36752-062104. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36752-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

BONDS/BOND ISSUES-BUDGET-CAPITAL IMPROVEMENTS PROGRAM: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed adoption of a resolution authorizing the City of Roanoke to contract a debt and to issue or

reallocate the proceeds of general obligation public improvement bonds of the City, in the amount of \$22,350,000.00, for various capital improvements projects and capital equipment projects, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, June 7, 2004, and Monday, June 14, 2004

The City Manager submitted a communication advising that on May 13, 2004, Council adopted a resolution endorsing the update to the fiscal year 2005–2009 Capital Improvement Program (CIP), which provides for investment in buildings, economic development, park, school, civic facility and infrastructure related projects; and as discussed during meetings of the Budget and Planning Committee and during the Financial Planning Work Session, bonds will be issued during fiscal year 2004–2005 for the following projects:

▪ Police Building Phase II	\$ 6,670,000.00
▪ Fire–EMS Facilities	4,435,000.00
▪ Riverside Center for Research & Technology	5,500,000.00
▪ Patrick Henry High School	46,775,000.00
▪ Downtown West Parking Garage	2,000,000.00
▪ Civic Facilities Expansion and Renovation	14,300,000.00

It was further advised that Council previously authorized issuance of bonds for the Civic Center Expansion/Renovation project and the Riverside Center for Research and Technology project, as well as a portion of the bonds for the Patrick Henry High School project; authorization is needed for the issuance of bonds for the Police Building Phase II, Fire/EMS Facilities, and the Downtown West Parking Garage; and authorization is also needed for additional funding of \$8,775,000.00 for the Patrick Henry High School Renovation/Construction project.

It was explained that funding needs to be appropriated in advance of bond issuance to award a construction contract for the Police Building Phase

# 1238

II project; to begin grading and site preparation work for the Fire-EMS Facilities project; for property acquisition required for the Downtown West Parking Garage Project; and for improvements that are being done outside of the Exhibit Hall project, such items include repairs to the plaza, waterproofing, replacement of electrical panels, relocation of electric service, location of underground utilities, relocation of the existing cooling tower, and engineering services; that Council appropriate savings achieved from the restructuring of the Series 2004 refunding bond escrow to the financial application replacement project; total savings net of expenses are approximately \$764,000.00; as discussed during the briefing on June 7, 2004, savings of \$470,000.00 may be allocated to project costs in fiscal year 2004 with an additional amount of \$196,950.00 in fiscal year 2005, and the balance of approximately \$97,000.00 may be allocated during fiscal year 2006 and will be included in budget recommendations for that year.

The City Manager recommended that Council:

Adopt a resolution authorizing issuance of bonds for the Police Building Phase II (\$6,670,000.00), Fire/EMS Facilities (\$4,435,000.00), and Downtown West Parking Garage (\$2,000,000.00); authorize issuance of \$8,775,000.00 in bonds for the Patrick Henry High School Renovation/Construction project; and declare the City's intent to reimburse itself from the sale of such bonds.

Appropriate funding for the following projects:

- Police Building Phase II \$ 6,670,000.00
- Fire-EMS Facilities \$ 600,000.00
- Downtown West Parking Garage \$ 600,000.00
- Civic Facilities Expansion and Renovation 2,300,000.00

Authorize appropriation of savings from escrow restructuring associated with the Series 2004 refunding bonds to the Financial Application Replacement project as follows:

\$470,000.00 from currently available escrow savings in fiscal year 2004 and \$196,950.00 from Transfer to Debt Service in fiscal year 2005; and transfer to debt service fund may be reduced as debt service in that year is funded by escrow savings in lieu of the General Fund transfer.

Mr. Dowe offered the following resolution:

(#36753-062104) A RESOLUTION authorizing the issuance of twenty-two million three hundred fifty thousand dollars (\$22,350,000.00) principal amount of general obligations of the City of Roanoke, Virginia, in the form of General Obligation Public Improvement Bonds of such City, or the reallocation of the proceeds of General Obligation Public Improvement Refunding Bonds heretofore issued by the City, for the purpose of providing funds to pay the costs of the acquisition, construction, reconstruction, improvement, extension, enlargement and equipping of various capital improvement projects and the acquisition and installation of various capital equipment projects of and for such City; fixing the form, denomination and certain other details of such bonds; providing for the sale of such bonds; authorizing the preparation of a preliminary official statement and an official statement relating to such bonds and the distribution thereof and the execution of a certificate relating to such official statement; authorizing the execution and delivery of a continuing disclosure certificate relating to such bonds; authorizing and providing for the issuance and sale of a like principal amount of general obligation public improvement bond anticipation notes in anticipation of the issuance and sale of such bonds; delegating to the City Manager and the Director of Finance certain powers with respect to the sale and determination of the details of such bonds and notes; and otherwise providing with respect to the issuance, sale and delivery of such bonds and notes.

(For full text of resolution, see Resolution Book No. 68, page 597.)

Mr. Dowe moved the adoption of Resolution No. 36753-062104. The motion was seconded by Mr. Fitzpatrick.

# 1240

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

The being no discussion or comments by Council Members, Resolution No. 36753-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Cutler offered the following budget ordinance:

(#36754-062104) AN ORDINANCE to appropriate funding to be provided by the Series 2005 Bonds to various capital projects, amending and reordaining certain sections of the 2003-2004 Civic Facilities, Parking, Capital Projects and Department of Technology Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 613.)

Mr. Cutler moved the adoption of Ordinance No. 36754-062104. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following budget ordinance:

(#36755-062104) AN ORDINANCE to appropriate funding from the escrow restructuring savings to the Financial Application Replacement Project, amending and reordaining certain sections of the 2004-2005 General

and Department of Technology Funds Appropriations and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 614.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36755-062104. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-SEWERS AND STORM DRAINS-ZONING-SUBDIVISIONS-WATER RESOURCES: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on amendments and revisions to Chapter 31, Subdivisions, and Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended, to achieve various purposes as a result of creation of the Western Virginia Water Authority, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 4, 2004, and Friday, June 14, 2004.

The City Planning Commission submitted a written report advising that with implementation of the Western Virginia Water Authority on July 1, 2004, it is necessary to amend various sections of the City Code relative to Zoning and Subdivisions; and the amendments, while not substantive in terms of actual land use or development regulations, reflect roles and responsibilities that the Western Virginia Water Authority will have in the review, processing, and approval of subdivision requests and comprehensive development plans.

It was further advised that amendments specifically add the Water Authority to certain sections of the regulations because the Authority

will be formed as a separate legal entity, and will take over roles and responsibilities in the subdivision and comprehensive development plan review processes currently within the purview of the Department of Utilities; certain definitions in the Subdivision and Zoning sections of the Code are updated to reflect the formation of the Water Authority; where necessary, the amendments also update cross-references to other sections of the City Code and the Code of Virginia (1950), as amended; and amendments also make modifications to procedures related to the filing and processing of plans and plats, the number of copies to be distributed, and review and approval of such plans and plats.

The City Planning Commission recommended that Council approve amendments to the Subdivision and Zoning sections of the City Code.

Mr. Dowe offered the following ordinance:

(#36756-062104) AN ORDINANCE amending and reordaining §§31-4, 31-5, 31-6, 31-8, 31-25, 31-26, 31-27, 31-28, 31-29, 31-32, 31-33, 31-36, 31-39, 31-54, 31-68, 31-74, 31-86, 31-104, 31-105, 31-106, 31-107, and 31-122, of Chapter 31, Subdivisions, of the Code of the City of Roanoke (1979), as amended, to achieve various purposes, including amending and adding certain definitions, updating references to the State Code and the City Code, adding references to the Western Virginia Water Authority, clarifying and amending the responsibilities of the agent to the Planning Commission with respect to subdivisions, amending filing procedures with respect to subdivision plats and plans as a result of the creation of the Western Virginia Water Authority, providing for an effective date, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 615.)

Mr. Dowe moved the adoption of Ordinance No. 36756-062104. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36756-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following ordinance:

(#36757-062104) AN ORDINANCE amending and reordaining §36.1-25, Definitions, by adding the definition of “authority” and by amending the definition of “utility” to include a reference to an authority; subsection (b) of §36.1-576, Submission procedures; comprehensive development plan; subsection (a) of §36.1-578, Signature required on approved comprehensive development plan, to include a reference to the development engineer and the zoning administrator; and §36.1-580, Changes to approved development plan, to include a reference to the development engineer, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, providing for an effective date, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 634.)

Mr. Dowe moved the adoption of Ordinance No. 36757-062104. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

# 1244

The being no discussion or comments by Council Members, Ordinance No. 36757-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

SEWERS AND STORM DRAINS-CITY PROPERTY-WATER RESOURCES-EQUIPMENT: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, June 21, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to execution of an Operating Agreement among the City of Roanoke, the County of Roanoke, and the Western Virginia Water Authority, which authorizes conveyance of certain parcels of land, both within and without the City, and the transfer of certain vehicles and other equipment, upon certain terms and conditions, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, June 11, 2004.

The City Manager submitted a communication advising that the proposed agreement defines the rights and obligations of the City of Roanoke, Roanoke County, and the Western Virginia Water Authority for management of area water and wastewater resources; and the agreement details real property, personal property, assets, debt, and other liabilities being transferred to the Water Authority, as well as requirements of the Authority to manage and operate water and wastewater systems of the City and the County for the benefit of citizens of both localities, effective July 1, 2004.

It was further advised that the document represents the efforts of more than 250 City and County employees working together in 22 teams for over 16 months to finalize details for creation of the Western Virginia Water Authority; and leadership provided by the Mayor and Members of City Council and the Council-Appointed Officers has been invaluable; and while many City

departments were involved in the Water Authority's inception and development, special recognition is due the Departments of Technology, Finance, Human Resources, General Services, Public Works and City Attorney's Office, as well as employees of the Department of Utilities and the Office of Billings and Collections who will become Water Authority employees.

The City Manager recommended that Council authorize the Mayor and the City Manager to execute an agreement with the Western Virginia Water Authority and Roanoke County as above described.

Mr. Cutler offered the following ordinance:

(#36758-062104) AN ORDINANCE authorizing execution of an Operating Agreement, dated July 1, 2004, among the City of Roanoke, the County of Roanoke and Western Virginia Water Authority; authorizing the conveyance of certain parcels of land, both within and without the city, and the transfer of certain vehicles and other equipment, upon certain terms and conditions, as contemplated in the Operating Agreement; authorizing certain other actions; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68, page 637.)

Mr. Cutler moved the adoption of Ordinance No. 36758-062104. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36858-062104 was adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

CITY EMPLOYEES: Vice-Mayor Harris offered the following ordinance establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor and City Clerk for the fiscal year beginning July 1, 2004:

(#36759-062104) AN ORDINANCE establishing compensation for the City Manager, City Attorney, Director of Finance, Municipal Auditor, and City Clerk, for the fiscal year beginning July 1, 2004; and dispensing with the second reading by title of this ordinance:

(For full text of ordinance, see Ordinance Book No. 68, page 640.)

Mr. Harris moved the adoption of Ordinance No. 36759-062104. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Fitzpatrick, Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----7.

NAYS: None-----0.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

TRAFFIC-SEWERS AND STORM DRAINS-PARKS AND RECREATION-WATER RESOURCES: Mr. Chris Craft, 1501 East Gate Avenue, N. E., inquired as to future plans by the City regarding the East Gate neighborhood, i.e.: sidewalks, curb and gutter, East Gate Park improvements, etc. He called

attention to overgrown weeds at the foot of East Gate Avenue which could create a traffic hazard by obstructing the view of motorists making a left turn. He expressed concern that City of Roanoke customers of the Western Virginia Water Authority will experience an increase in water rates while the rates of Roanoke County customers will not change, and questioned the advantage of monthly water/sewer billing as opposed to the current three month billing cycle.

There being no further business, the Mayor declared the meeting adjourned at 7:45 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

-----